

CHAPTER 10 - RECORDS MANAGEMENT

1. PURPOSE. This policy defines the mission and principles of the Agency's records management program, incorporates applicable Federal requirements into standard Agency practices, enumerates basic records management program requirements, and sets forth responsibilities for records management. Since all Agency staff are involved in creating, maintaining, and using Agency records, it is imperative that everyone understand their records management responsibilities. This Agency-wide policy provides the framework for specific guidance and detailed operating procedures governing records management organization, responsibilities, and implementation.
2. SCOPE AND APPLICABILITY. This policy applies to all records of the Environmental Protection Agency (EPA), as defined under the Federal Records Act (44 U.S.C. 3101), regardless of medium (including paper, microform, electronic, audiovisual, and record copies of Agency publications), which are created, collected, processed, used, stored, and/or disposed of by EPA organizations, employees, and facilities, as well as those acting as its agents, such as States, Indian tribes, contractors, or grantees.
3. BACKGROUND.
 - a. The Federal Records Act of 1950, as amended, requires all Federal agencies to make and preserve records containing adequate and proper documentation of their organization, function, policies, decisions, procedures, and essential transactions. These records are public property and must be managed according to applicable laws and regulations.
 - b. Records are broadly defined by statute and regulation to include all recorded information, regardless of medium or format, made or received by EPA and its agents under Federal law or in connection with the transaction of public business, and either preserved or appropriate for preservation because of their administrative, legal, fiscal, or informational value.

- c. Records are a valuable information resource whose uses go beyond facilitating immediate operational needs. Records serve a number of broader purposes including: longer-term administrative and program planning needs, evidence of Agency activity, use by other Programs in the Agency, protection of the legal and financial rights of the Government and its citizens, effective oversight by Congress and other authorized agencies, and the retention of an official record for historical purposes. Records serve as the Agency's memory; they are of critical importance in ensuring that the organization continues to function effectively and efficiently.
- d. Not all documentary materials used by EPA and its agents are records. Examples of documentary materials that are not records include library and reference materials, stocks of publications and processed documents maintained for distribution, extra copies of documents made or acquired only for convenience of reference (often called technical reference materials), and personal papers.
- e. Records should be managed as an Agency asset throughout their life cycle, which consists of three basic stages: creation, active maintenance and use, and disposition. The records life cycle is initiated by the creation, collection or receipt of records in the form of data or documents in the course of carrying out EPA's administrative and programmatic responsibilities. The life cycle continues through the processing and active use of the information in the record, until the record is determined to be inactive. The final step in the life cycle is disposition which frequently includes transfer to inactive storage, followed by transfer to the National Archives or destruction.
- f. As records move through the information life cycle, they require management by: "sponsors" who create them, or cause them to be created, and who are responsible for their continued maintenance and disposition; users who have a need for the information in the records; and custodians who have physical custody of the record at various

stages in the life cycle.

- g. EPA organizations, staff, and their agents who create, utilize, and acquire custody or possession of Agency records do not thereby retain a proprietary interest in such records. Official Agency records are public assets and belong to the Government, not to Programs by virtue of their possession or to individuals by virtue of their position as Agency officials. Penalties for the willful and unlawful destruction, removal from files and private uses of official records are found in 18 U.S.C. 2071.
- h. Records management is defined as planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations.
- i. EPA is required under Federal statute (44 U.S.C. 31) to establish a records management program, defined as a planned, coordinated set of policies, procedures, and activities needed to manage an agency's recorded information. Essential elements include issuing up-to-date records management program directives, properly training those responsible for implementation, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency. Chapter 36 of the Code of Federal Regulations (36 CFR 1222.20) and OMB Circular A-130, Management of Federal Information Resources, require that agencies integrate records management into the overall information resources management (IRM) program.
- j. This policy is intended to be read in the context of the entire IRM Policy Manual and the Records Management Manual (Directive 2160). It is not comprehensive in covering all information resources management (IRM) requirements affecting records management, and it is not intended to be considered in isolation from other EPA IRM policies articulated in this manual. Program

Offices wishing to manage their records electronically should carefully review all pertinent Federal IRM regulations and Agency policies to ensure that the records they create will meet all requirements. This is especially true for areas such as electronic signatures, which have legal and audit implications.

4. AUTHORITIES.

- a. 5 U.S.C. 552 (The Freedom of Information Act as amended).
- b. 5 U.S.C. 552a (The Privacy Act of 1974).
- c. 5 U.S.C. 553 (Administrative Procedures Act).
- d. 5 CFR 1320.16 (Collection of information prescribed by another agency).
- e. 5 CFR 1320.17 (Interagency reporting).
- f. 18 U.S.C. 2071 (Destruction of Records).
- g. 18 U.S.C. 2701-2707 (The Electronic Communications Privacy Act of 1986).
- h. 31 U.S.C. 1101 et. seq. (Budget and Accounting Procedures Act of 1921).
- i. 44 U.S.C. 29 (Records Management by the Archivist of the United States and the Administrator of General Services).
- j. 44 U.S.C. 31 (Records Management by Federal Agencies).
- k. 44 U.S.C. 33 (Disposal of Records).
- l. 44 U.S.C. 35 (Paperwork Reduction Act of 1980, as amended).
- m. 44 U.S.C. 3504(e) (Paperwork Reduction Reauthorization Act of 1995).
- n. 36 CFR 1220 to 1238 (Records Management).

- o. 41 CFR 201-6 to 201-11 (Records Management).
 - p. OMB Circular A-130, Management of Federal Information Resources.
 - q. Applicable Federal Information Processing Standards (FIPS) publications.
5. POLICY. It is EPA policy to manage Agency records effectively and efficiently throughout their life cycle in order to facilitate accomplishment of the Agency's programmatic and administrative missions, to preserve official Agency records in accordance with applicable statutory and regulatory requirements, and to promote access to information by EPA staff, Agency partners, and the public as appropriate. This is to be accomplished through adequate and proper documentation of all EPA organizations, their functions, policy decisions, procedures, and essential transactions in a manner that promotes accountability, establishes a historical record, and protects the legal and financial rights of the Government and the privacy of individuals.
- a. EPA shall plan and establish a framework for managing and overseeing a comprehensive Agency-wide records management program.
 - b. This framework shall be integrated into the EPA's information resources management program to promote effective management, communication, sharing, and transfer of information regardless of the medium or format in which it exists.
 - c. EPA shall inform its employees and agents of their responsibilities to manage the Agency's records, and ensure that records management staff receive adequate training to carry out their responsibilities.
 - d. EPA shall manage records throughout their life cycle which includes the following components:
 - (1) Records creation/collection - An official record shall be created to appropriately document all Agency functions, policies, decisions, procedures and essential

transactions. Programs shall develop recordkeeping requirements for all official Agency records for which they are responsible.

- (2) Records maintenance and use - Record filing, indexing and storage systems shall be designed and documented to the extent appropriate and necessary, to maximize the usefulness of the records and allow retrieval throughout their life cycle.
 - (3) Records disposition - Records disposition schedules for all Agency records shall be submitted to and approved by the Archivist of the United States. No records may be destroyed without an approved disposition. Once dispositions are approved, they must be carried out in a timely manner.
- e. EPA shall create, maintain, and store records only in media and formats that adhere to Federal standards (e.g., National Archives and Records Administration (NARA) standards for magnetic tape storage). Within those parameters, Program Offices should select a medium (e.g., paper, microform, or optical) based on whether it is technically feasible and cost-effective, responds to Agency requirements, and allows for efficient information integration and dissemination where necessary.
- f. Program Offices are encouraged to develop technology applications (such as electronic document filing, data base applications, or conversion to microfilm or optical disk) to improve the management of Agency records. When planning all technology applications, EPA shall include records management requirements in the mission needs and requirements analyses in order to determine what impact, if any, the application will have on the Agency's ability to document its activities. To the extent that the system or application impacts the Agency's recordkeeping, the following requirements shall be incorporated:
- (1) Records creation - Applications shall allow for the creation and maintenance of records

sufficient to meet the documentation needs of the Agency.

- (2) Records storage - Records shall be physically located and maintained in an economical manner which allows for easy retrieval, access, and dissemination if appropriate.
 - (3) Records disposition - The records within the information system shall be scheduled and the system shall be capable of deleting records or transferring them to NARA as required by their disposition schedule.
- g. All official records created or collected by EPA shall be inventoried at least triennially in order to provide a complete and comprehensive accounting of the Agency's holdings. Records that are not needed on-site for current business should be retired to a Federal records center for storage.
 - h. Records collected, created, or maintained by the Agency shall be safeguarded commensurate with the risk and magnitude of the harm that would result from the loss, misuse, unauthorized access to or modification of information. Appropriate safeguards shall be adopted to ensure confidentiality and overall security as specified in the Privacy Act and the Computer Security Act. (Also see Chapters 8 and 11 of this Manual, EPA Manual 7700, and applicable program-specific legislation and manuals.)
 - i. Standardized filing systems/structures shall be developed where appropriate to provide an effective mechanism which facilitates ease of use, access, and disposition. Records shall be organized and indexed in such a manner as to be easily accessible to Agency employees and the public, as defined in Federal regulations, and to allow for integration across programs and information systems.
 - j. Program Offices must be able to provide the National Archives with a copy of all electronic records scheduled for permanent retention in a format that conforms to standards found in 36 CFR 1228.188.

- k. The Agency shall establish a program for vital records. The program shall be responsible for identifying and appropriately safeguarding records defined as crucial to continuing operation of essential Agency functions during an emergency, and those that are essential to protecting the rights and interests of the Agency and the individuals directly affected by its activities.

6. RESPONSIBILITIES.

- a. The Administrator is responsible for creating and preserving records that adequately and properly document the organization, functions, policies, decisions, procedures, and essential transactions of EPA. This responsibility is delegated to the Assistant Administrator for Administration and Resources Management (who also serves as the Designated Senior Official for IRM), and redelegated to the Office of Information Resources Management.
- b. The Office of Information Resources Management (OIRM) is responsible for leadership, planning, overall policy, and general oversight of the records management in the Agency, and its incorporation into the broader information resources management framework. OIRM shall:
 - (1) Incorporate records management requirements and policies into the Agency's overall IRM policy and planning.
 - (2) Designate an Agency Records Officer responsible for:
 - Leading and managing the Agency-wide national records management program.
 - Advising OIRM on records management issues and developing Agency-wide records management policies, procedures, guidance and training materials.
 - Coordinating the approval of the Agency's records disposition schedules

and the transfer of records to the National Archives.

- Coordinating records management issues with other Federal agencies, including Federal oversight agencies, such as the Office of Management and Budget (OMB), National Archives and Records Administration (NARA), and the General Services Administration (GSA).
 - Providing technical advice and training to all Agency organizations on establishing and maintaining effective records management programs.
 - Serving as the Agency Vital Records Officer and coordinating with the Agency's emergency management program.
- (3) Promulgate and communicate Agency-wide policies and guidance that reflect records management missions and goals, and incorporate Federal requirements.
 - (4) Designate a vital records officer and other records management contact points required by regulations.
 - (5) Assign overall responsibility for the records management aspects of centrally provided information technology infrastructure, including national local area network applications.
 - (6) Ensure that senior Agency staff are aware of their records management responsibilities.
 - (7) Conduct periodic evaluations of records management programs within the Agency as part of the Agency's IRM review and oversight program.
- c. Assistant Administrators, Associate Administrators, Regional Administrators, Laboratory Directors, the General Counsel, the Inspector General, and Heads of Headquarters Staff Offices shall:

- (1) Designate a Records Liaison Officer (RLO) accountable to the Senior Information Resources Management Official (SIRMO) or other official designated to oversee the program. The RLO serves as a point of contact for the Agency Records Officer and is responsible for managing and ensuring the implementation of an appropriate records management program tailored to the organization's requirements.
- (2) Implement a records management program within their area of responsibility to accomplish the objectives identified in Federal regulations and Agency policies and procedures. Program components include responsibilities for:
 - Identifying recordkeeping requirements for major programmatic and administrative records series in all media.
 - Evaluating the value of records within their span of responsibility to serve as a basis for assigning records retention and disposition instructions and implementing the most responsive and cost-effective means for managing them.
 - Developing standardized file plans and indexing approaches where appropriate to simplify the use of, access to, and integration of information within the organization.
 - Inventorying and scheduling records created and maintained by the organization.
 - Implementing approved records dispositions, while ensuring that no records are destroyed without proper authorization as specified in the Federal Records Act.
 - Systematically reviewing records

disposition schedules, file plans, and procedures on a triennial basis to ensure that they are current and updating them as necessary.

- Conducting a program of regular internal records management reviews to assist programs in implementing appropriate records management procedures.
 - Assisting in planning and implementing information management technology and reviewing and approving the purchase of records management equipment and services.
 - Implementing a vital records program.
 - Providing oversight for contractors managing official Agency records.
 - Providing records management briefings for all managers within their organizations.
- (3) Develop records management oversight roles and communication networks with all program units including field offices and other facilities to ensure that the records management program is implemented at all sites under their program jurisdiction.
- (4) Develop and disseminate directives and operating procedures, as needed, to supplement Agency-wide policy to meet the unique records management needs of their organizations and to support a records management program within the organization.
- d. The General Counsel shall assist in determining what records are needed to provide adequate and proper documentation of Agency activities and in specifying appropriate retentions for Agency records.
- e. The Inspector General shall assist in determining the retention of Agency records that may be needed for internal audit purposes.

- f. Agency managers are responsible for ensuring that their programs are properly documented and that records created by their programs are managed according to relevant regulations and policies.
- g. Information system managers (program managers) are responsible for overseeing the creation and use of electronic records in keeping with federal regulations and Agency policy. This includes coordination with the records officer to establish recordkeeping requirements including a retention period and to implement authorized disposition instructions for system information and documentation. Systems managers also coordinate with records officers to develop specific information resource management plans to meet future system information needs.
- h. ADP or Information Technology Managers are responsible for managing ADP resources, as well as notifying the systems managers and records officers of technology changes that would affect access, retention, or disposition of system records.
- i. All Agency staff and agents of EPA shall:
 - (1) Conduct work in accordance with Federal records management regulations and the Agency's records management policy and procedures.
 - (2) Create and manage the records necessary to document their official activities. This includes creating appropriate records documenting meetings, conversations, electronic mail messages, telephone calls and other forms of communication that affect the conduct of official Agency business.
 - (3) Only destroy records in accordance with approved records disposition schedules and never remove records from the Agency without authorization.
 - (4) File personal papers and nonrecord materials separately from official Agency records.

7. DEFINITIONS.

Definitions are taken from A Federal Records Management Glossary (1993), published by the National Archives and Records Administration.

- a. "Adequacy of Documentation" is a standard of sufficiently and properly recording actions and/or decisions.
- b. "Administrative Records," as used in this directive, are the records which reflect routine, transitory, and internal housekeeping activities relating to subjects and functions common to all offices. Examples include training, personnel, and travel reimbursement files.
- c. "Disposition Schedules" are documents that provide continuous authority to dispose of recurring series or systems of records, or to transfer them to the National Archives and its national network of Federal Records Centers.
- d. "File" is an arrangement of records. The term is used to denote papers, photographs, photographic copies, maps, machine-readable information, or other recorded information regardless of physical form or characteristics, accumulated or maintained in filing equipment, boxes, or machine-readable, or on shelves, and occupying office or storage space.
- e. "File Plan" is (1) a plan designating the physical location(s) at which an Agency's files are to be maintained, the specific types of files to be maintained there, and the organizational element(s) having custodial responsibility; or (2) a document containing the identifying number, title or description, and disposition of files held in an office.
- f. "Filing System" is a set of policies and procedures for organizing and identifying files or documents to speed their retrieval, use and disposition. May be either manual or automated. Sometimes called a recordkeeping system.
- g. "Inventory" is a survey of Agency records and nonrecord materials conducted primarily to develop

records schedules and also to identify various records management problems, such as improper applications of recordkeeping technology.

- h. "National Archives and Records Administration" (NARA) establishes policies and procedures for managing U.S. Government records. NARA assists Federal agencies in documenting their activities, administering records management programs, scheduling records, and retiring noncurrent records to Federal records centers, and conducts periodic evaluations of Agency programs for compliance.
- i. "Nonrecord Materials" are U.S. Government-owned informational materials excluded from the legal definition of records. Includes extra copies of documents kept only for convenience of reference, stocks of publications and of processed documents, and library or museum materials intended solely for reference or exhibition. Also called nonrecords.
- j. "Official Agency Records" are the documentation, including all background materials, resulting from specific transactions, operations or processes which are accumulated and maintained in filing equipment. Official Agency records include information recorded on any medium including paper, microform, cards, film, audio tape, optical disk, or magnetic media.
- k. "Personal Papers" are nonofficial, or private, papers relating solely to an individual's own affairs. Must be clearly designated as such and kept separate from the agency's records. Also called personal files or personal records.
- l. "Programmatic Record" refers to records created, received, and maintained by EPA in the conduct of its mission functions for which the Agency is accountable. The term is used in contrast to administrative, housekeeping, or facilitative records.
- m. "Recordkeeping Requirements" are statements in statutes, regulations, or directives that provide general and specific information on particular

records to be created and maintained by the Agency.

- n. "Records" means all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the U.S. Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data in them. (44 U.S.C. 3101, Definition of Records)
- o. "Records Management" means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations.
- p. "Records Management Program" refers to the planned, coordinated set of policies, procedures, and activities needed to manage an agency's recorded information. Encompasses the creation, maintenance and use, and disposition of records, regardless of media. Essential elements include issuing up-to-date program directives, properly training those responsible for implementation, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency.
- q. "Records Series" are file units or documents arranged according to a filing system or kept together because they relate to a particular subject or function, result from the same activity, document a specific kind of transaction, take a particular form, or have some other relationship arising out of their creation, receipt, or use, such as restrictions on access and use. Also called a record series.

- r. "Vital Records" mean essential Agency records that are needed to meet operational responsibilities under national security emergencies or other emergency or disaster conditions (emergency operating records) or to protect the legal and financial rights of the Government and those affected by Government activities (legal and financial rights records).
 - s. Vital Records Program" means the policies, plans, and procedures developed and implemented and the resources needed to identify, use, and protect the essential records needed to meet operational responsibilities under national security emergencies or other emergency or disaster conditions or to protect the Government's rights or those of its citizens. This is a program element of the Agency's emergency management program.
8. PROCEDURES AND GUIDELINES. In order to translate the Agency policy requirements into standard practices, OIRM has issued detailed policies in EPA Directive 2160 and the Agency Records Disposition Schedules. In addition, OIRM has developed numerous guidance and procedural documents to communicate best practices for managing and administering EPA's records management program. A current listing of those documents, as well as a listing of records management guidance issued by other Federal agencies such as the Office of Management and Budget and the National Archives and Records Administration is available from the Agency Records Officer.